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Approved: JNOJENNIFER N. ONG
Assistant United States AttorneyBefore: THE HONORABLE ANDREW E. KRAUSE
United States Magistrate Judge
Southern District of New York

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 :
 UNITED STATES OF AMERICA : COMPLAINT
 :
 - v. - : Violations of 8 U.S.C.
 : § 1326(a) and (b)(1)
 JAMES ZIZI, :
 a/k/a "JAMES POUCHE ZIZI" :
 a/k/a "JAMES P ZIZI" :
 a/k/a "JAMES POUCHE" :
 a/k/a "JAMES COLLINS" :
 a/k/a "JAMES COLLNS" :
 : COUNTY OF OFFENSE:
 : Orange
 Defendant. :
 :
 - - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

Wilfredo Diaz, being duly sworn, deposes and says that he is a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement, and charges as follows:

COUNT ONE
(Illegal Re-entry)

1. From at least on or about August 14, 2020 to the present, in the Southern District of New York and elsewhere, JAMES ZIZI, a/k/a "James Pouche Zizi," a/k/a "James P Zizi," a/k/a "James Pouche," a/k/a "James Collins," a/k/a "James Collns," the defendant, being an alien, unlawfully did enter, and was found in, the United States, after having been removed from the United States subsequent to a conviction for the commission of a felony, without having obtained the express consent of the Attorney General of the United States or his successor, the Secretary for the Department of Homeland Security, to reapply for admission, in violation of Title 8, United States Code, Section 1326(a) and (b)(1).

(Title 8, United States Code, Sections 1326(a) and (b)(1).)

The bases for my knowledge and the foregoing charge are, in part, as follows:

2. I am a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and others and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. From my review of the records maintained by ICE regarding JAMES ZIZI, a/k/a "James Pouche Zizi," a/k/a "James P Zizi," a/k/a "James Pouche," a/k/a "James Collins," a/k/a "James Collns," the defendant, I have learned, among other things, the following:

a. ZIZI is a native and citizen of Haiti. ZIZI is not and has never been a citizen of the United States.

b. On or about February 8, 1993, ZIZI was arrested by the New York City Police Department ("NYPD") for criminal possession of a weapon in the second degree, in violation of New York Penal Law Section 265.03, and theft of services, in violation of New York Penal Law Section 165.15. ZIZI's fingerprints were taken on this date ("February 8 Fingerprints").

c. On May 6, 1993, ZIZI was convicted of criminal possession of a weapon in the third degree for possessing a loaded firearm, in violation of New York Penal Law Section 265.02(4), and sentenced to a term of imprisonment of one year to three years.

d. On or about February 9, 1993, ZIZI was arrested by the Spring Valley Village Police Department ("SVVPD") for attempted robbery in the first degree, in violation of New York Penal Law Section 160.15; robbery in the first degree, in violation of New York Penal Law Section 160.15; criminal use of a firearm in the first degree, in violation of New York Penal Law

Section 265.09; and criminal possession of a weapon in the second degree, in violation of New York Penal Law Section 265.03. ZIZI's fingerprints were taken on this date ("February 9 Fingerprints").

e. On or about September 23, 1996, ZIZI was arrested by the SVVPD for criminal possession of a controlled substance in the third degree, in violation of New York Penal Law Section 220.16; criminal possession of a controlled substance in the fifth degree, in violation of New York Penal Law Section 220.06(5); loitering in the first degree, in violation of New York Penal Law Section 240.36; and assault in the third degree, in violation of New York Penal Law Section 120.00. ZIZI's fingerprints were taken on this date ("September 23 Fingerprints").

f. On January 22, 1997, ZIZI was convicted of criminal possession of a controlled substance in the fifth degree for knowingly and unlawfully possessing five hundred milligrams or more of cocaine, in violation of New York Penal Law Section 220.06(5), and sentenced to a term of imprisonment of 30 months to 5 years.

g. On or about February 10, 1997, ZIZI was admitted to a New York State correctional facility. On that date, the New York State Department of Correctional Services ("NYS DOCS") took ZIZI's fingerprints ("February 10 Fingerprints"). On or about January 20, 2000, NYS DOCS conditionally released ZIZI to the U.S. Immigration and Naturalization Service ("INS"). On that date, ZIZI's fingerprints were taken ("January 20 Fingerprints").

h. On or about April 2, 2001, ZIZI was removed from the United States pursuant to an Immigration Judge's order, which was entered on or about July 27, 1999. Thereafter, on or about April 2, 2001, ZIZI was removed from the United States. INS took ZIZI's right index fingerprint at this time ("April 2 Fingerprint").

4. Based on my review of criminal history records and records maintained by the SVVPD for JAMES ZIZI, a/k/a "James Pouche Zizi," a/k/a "James P Zizi," a/k/a "James Pouche," a/k/a "James Collins," a/k/a "James Collns," the defendant, I have learned, in substance and in part, that on or about August 14, 2020, ZIZI was arrested by the SVVPD in the Village of Spring Valley, New York and charged with criminal possession of a controlled substance in the fourth degree, in violation of New York Penal Law Section 220.09. ZIZI's fingerprints were taken on this date ("August 14 Fingerprints"). The defendant was released on bail.

5. Based on my review of a fingerprint comparison report prepared by another law enforcement official at the Department of Homeland Security, I have learned, in substance and in part, that the (a) February 8 Fingerprints, (b) February 9 Fingerprints, (c) September 23 Fingerprints, (d) February 10 Fingerprints, (e) January 20 Fingerprints, (f) August 14 Fingerprints, and (g) April 2 Fingerprint all came back to and have been identified with one and the same individual, JAMES ZIZI, a/k/a "James Pouche Zizi," a/k/a "James P Zizi," a/k/a "James Pouche," a/k/a "James Collins," a/k/a "James Collns," the defendant.

6. A search of all relevant Department of Homeland Security indices has confirmed that, following his removal from the United States on or about April 2, 2001, JAMES ZIZI, a/k/a "James Pouche Zizi," a/k/a "James P Zizi," a/k/a "James Pouche," a/k/a "James Collins," a/k/a "James Collns," the defendant, never obtained the express consent of the Attorney General of the United States, or the Secretary for the Department of Homeland Security, to reapply for admission to the United States.

WHEREFORE the deponent requests that a warrant be issued for the arrest of JAMES ZIZI, a/k/a "James Pouche Zizi," a/k/a "James P Zizi," a/k/a "James Pouche," a/k/a "James Collins," a/k/a "James Collns," the defendant, and that he be arrested and imprisoned or bailed, as the case may be.

credentials inspected

ICE credential #

D01098

Wilfredo Diaz / A&K

WILFREDO DIAZ

Deportation Officer

Immigration and Customs Enforcement

[By FaceTime]

Sworn to me through the transmission of this Complaint by reliable electronic means, pursuant to Federal Rule of Criminal Procedure 4.1, this 23rd day of October 2020.

Andrew Krause

THE HONORABLE ANDREW E. KRAUSE
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK